

GUIDELINES ON FILLING IN THE NOTIFICATION FORM
(NOTIFICATION OF A PERSONAL DATA FILING SYSTEM TO REGISTRATION)

I. General information

1. Stamp duty shall be paid either in cash or as cashless payment for:
 - issuing a certificate on registration of a filing system – in the amount of PLN 17.00,
 - a proxy granted in the proceedings before the Inspector General for Personal Data Protection – in the amount of PLN 17.00.

Stamp duty can be paid in cash (at cash desk in the Office of Śródmieście District of the Capital City of Warsaw at 43 Nowogrodzka St.) or as cashless payment (to the banking account of Śródmieście District of the Capital City of Warsaw no. **60 1030 1508 0000 0005 5001 0038**). The applicant or proxy shall be obliged to enclose the stamp duty payment receipt.

Note! In connection with the entry into force as of 1 January 2007 of the Act of 16 November 2006 on Stamp Duty (Journal of Laws No. 225, item 1635), the notification of a data filing system to registration and notification of changes of information contained in the notification, as well as appendices submitted along with the above mentioned notifications are not subject to the obligation to pay a stamp duty.

2. The data filing system shall be notified on the form, which was defined in appendix to the Regulation of 11 December 2008 by the Minister of Internal Affairs and Administration on specimen of a notification of a data filing system to registration by the Inspector General for Personal Data Protection (Journal of Laws of 2008 No. 229, item 1536). The form is available among others on the website www.giodo.gov.pl.
3. The notification can be sent by post, online (by means of “e-GIODO platform”) or submitted at the Bureau of the Inspector General for the Protection of Personal Data (ul. Stawki 2, 00-193 Warsaw).

4. The notification does not comprise particular data processed in a data filing system, i.e. the content of data itself does not have to be submitted to the Inspector General for Personal Data Protection.
5. At the request of data controller, a certificate on data filing system's registration can be issued, unless the filing system contains so called sensitive data referred to in Art. 27 paragraph 1 of the Act on the Protection of Personal Data. In such case the Inspector General for Personal Data Protection issues ex officio to the data controller a certificate on registration of the filing system immediately after its registration.
6. The applicant shall be obliged to inform the Inspector General of any change of information in relation to the information written in the notification of the data filing system, within 30 days since the date on which the change was made. The obligation to inform about the change refers for example to the change of the data controller's name or address of its seat, or to the change of the scope of personal data processed in the filing system. The notification of changes is regulated by the provisions on registration of a data filing system, which means in particular that the information is updated on the same form which is used to the notification of a data filing system.

II. Prior to filling in the notification its type needs to be specified by ticking the appropriate box.

The first box applies when the data controller notifies to registration a new data filing system, in which the data indicated in point 9 of the notification are not being processed.

The second box refers to the notification of changes made after the data filing system has been notified to registration.

The third box applies when the data controller notifies to registration a new data filing system, in which the data indicated in point 9 of the notification are being processed.

III. Part A. Name of a Data Filing System.

The controller determines the name of a data filing system at its own discretion. It is recommended for the name to be concise and adequate to the type of data processed in the data filing system.

IV. Part B. Description of the controller.

Point 1. Applicant (controller).

In this point the controller of personal data shall be indicated. The following subjects can be controllers:

- 1) state authorities,
- 2) local government authorities,
- 3) state and municipal organisational units,

as well as

- 1) non governmental bodies carrying out public tasks
- 2) natural persons, legal persons and organisational units without the status of a legal person involved in the processing of data as a part of their business or professional activity or the implementation of statutory objectives.

- having the seat or residing on the territory of the Republic of Poland or in a third country, if they are involved in the processing of personal data by means of technical devices located on the territory of the Republic of Poland,

who decide on the purposes and measures of personal data processing.

The notification shall include the name of data controller, the address of its head office and statistical number of economic activity (REGON), and if the applicant is a natural person – his/her surname, name and place of residence.

Point 2. The applicant's representative referred to in Art. 31a of the Act of 29 August 1997 on the Protection of Personal Data.

In case of the processing of personal data by entities having the seat or residing in a third country, i.e. a country which does not belong to the European Economic Area, the controller shall be obliged to appoint his/her representative in the Republic of Poland. In case of appointment of the controller's representative, its name and address of its seat or surname, name and place of residence shall be also indicated in this point.

Point 3. Commissioning the processing of personal data

If the controller plans to entrust another subject with data processing, it shall fulfil the conditions specified in Art. 31 of the Act on the Protection of Personal Data. In case of entrusting data processing to another subject, the name and head office of the entity to whom the processing of personal data has been entrusted shall be indicated.

Point 4. The method in which the general conditions of data processing legitimacy shall be fulfilled.

The proper box which describes the legal grounds of data processing in a filing system shall be marked. If the applicant marked the second box, it shall specify the provisions which allow the processing of personal data by giving the title and place of publication of a specific legal act.

V. Part C. The scope and purpose of data processing

Within the meaning of the Act personal data shall mean any information relating to an identified or identifiable natural person. An identifiable person is the one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

Information shall not be regarded as identifiable unless the identification requires an unreasonable amount of time, cost and manpower.

Point 5. The purpose of the processing of data in the filing system.

The purpose of data processing carried on by the controller in the filing system shall be precisely described in this point.

Point 6. Description of data subjects.

In this point, the categories of persons to whom the data processed in the filing system relate shall be indicated (e.g. customers, benefactors).

Point 7. The scope of data on persons processed in the filing system.

The categories of data collected to the notified filing system shall be indicated in this point.

Point 8. Other personal data processed in the filing system, apart from the data enumerated in point 7.

Information on data categories collected to the notified data filing system other than those indicated in point 7 shall be given in point 8.

Point 9. Data processed in the filing system.

In case of processing in the filing system of so called sensitive data, specified in Art. 27 paragraph 1 of the Act on the Protection of Personal Data, the appropriate box in point 9 has to be marked.

Point 10. Legal grounds for the processing of data specified in point 9.

The processing of so called sensitive data, specified in Art. 27 paragraph 1 of the Act on the Protection of Personal Data, is permitted only in exceptional cases enumerated in Art. 27 paragraph 2 of the Act on the Protection of Personal Data. Thus, if the applicant indicated in point 9 that it is involved in the processing of sensitive data, it shall also mark in point 10 of the notification at least one of the boxes which describes the legal grounds for the processing of sensitive data in the filing system.

VI. Part D. Methods of personal data collection and disclosure.

Point 11. Method of data collection in the filing system.

In this point, the source of data collection shall be indicated. In case the collection of data both from data subjects and from other sources both boxes shall be marked.

Point 12. Method of disclosing data from the filing system.

In this point, the box shall be marked, if the data controller will transfer the data which he obtained to the entities other than those entitled to receive them pursuant to the binding legal provisions.

Point 13. Recipients or categories of recipients to whom data may be transferred.

Data recipient shall mean any person to whom data are made available, exclusive of:

- the data subject,
- a person authorised to data processing,
- a representative referred to in point 2 of the notification,
- a subject referred to in point 3 of the notification,
- state authorities or local government authorities to whom data are made available in connection with the proceedings being conducted.

In case of indicating particular recipients, the name and address of their seat or surname, name and address of residence of these entities have to be given.

Point 14. Information on possible transfer of data to a third country.

If the controller plans to transfer personal data to a third country, i.e. a country which does not belong to the European Economic Area, it shall fulfil the conditions specified in Art. 47 or Art. 48 of the Act on the Protection of Personal Data.

VII. In part E, the means applied for the purposes of safeguarding personal data filing systems in accordance with the requirements specified in Art. 36-39 of the Act on the Protection of Personal Data shall be indicated.

Point 15. The personal data filing system will be processed:

In point a), one of two options of data processing shall be marked, having in mind the explanation below:

Centralised processing of the data filing system, both in case of data processing in the computer system and in so called traditional (paper) system, means situating the data in one place. The filing system is processed centrally in case of storing data (both in paper form and on the server) in one room or building.

The processing of the data filing system in distributed architecture, both in case of data processing in the computer system and in so called traditional (paper) system, means that the data are processed in a decentralised way. The filing system is processed in distributed architecture (in case of data processing in the computer system), e.g. in case of storing data on two servers situated in two separate buildings.

In point 15b), it needs to be indicated whether the data in the filing system are being processed exclusively in paper form or with use of the computer system. One of possible options needs to be marked.

In point 15c), relevant computer environment in which personal data are being processed needs to be marked, following a criterion below:

It needs to be recognised that the system used for personal data processing is connected to a public network, if at least one device (computer, router, modem) being its part is connected to a public network, i.e. telecommunications network used mainly for the provision of publicly available telecommunications services within the meaning of the provisions of the Act of 16 July 2004 Telecommunications Law (Journal of Laws of 2004 No. 171, item 1800 with later amendments).

Point 16. The requirements specified in Art. 36-39 of the Act of August 29, 1997 on Personal Data Protection have been fulfilled.

Points 16a-16e indicate requirements which need to be fulfilled by each data controller before beginning the processing of data in the filing system. The controller processing the

filing system exclusively in paper form shall be obliged to use the means specified in points 16a-16d, and in case where the filing system is processed in the computer system – additionally the requirement specified in point 16e.

In point 16f other technical and organisational means which the controller applied for safeguarding the data shall be indicated.

VIII. Part F. Information on the way of fulfilling the technical and organisational conditions specified in the Regulation of April 29, 2004, by the Minister of Internal Affairs and Administration as regards personal data processing documentation and technical and organisational conditions which should be fulfilled by devices and computer systems used for personal data processing (Journal of Laws No. 100 item 1024).

Point 17. Safeguards have been applied at the ... level.

In this point, the security level of data processing in the computer system applied by the controller has to be indicated.

At least enhanced level has to be applied, if the applicant is involved in the processing of data enumerated in point 9 of the notification.

In case where at least one device of the computer system used for the processing of personal data is connected to a public network, security measures at high level have to be applied.

In the remaining cases of data processing in the computer system it is sufficient to apply security measures at basic level.

Note!

Part F applies to the data filing systems processed in the computer systems exclusively.